



PATENT
SPINE 3.0-395

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of
Markworth et al.

Serial No. 10/124,170

Filed: April 17, 2002

For: ROD PERSUADER

Group Art Unit: 3731

Examiner: S. Webb

X

Assistant Commissioner For Patents
Washington, D.C. 20231

DECLARATION OF
AARON MARKWORTH & YVES CROZET
UNDER 37 C.F.R. § 1.131

Sir:

We, Aaron Markworth and Yves Crozet, hereby declare that:

1. We are the inventors of the rod persuader apparatus and its method of use, which are disclosed and claimed in U.S. Patent Application Serial No. 10/124,170 ("the '170 application") filed on April 17, 2002, entitled ROD PERSUADER.

2. The rod persuader apparatus and its method of use, as disclosed and claimed in the '170 application, was reduced to practice by us prior to July 3, 2001, which is the filing date of U.S. Patent No. 6,440,133 to Beale et al..

3. Evidence of reduction to practice prior to July 3, 2001 is presented herein in the form of drawings provided to a machine shop vendor for manufacturing the apparatus, marked Exhibits A and B, a packing list supplied to us by the machine shop vendor that manufactured the apparatus from our drawings of the device, marked Exhibit C and pictures of the manufactured apparatus that was identified in the packing list and shipped to us, marked Exhibits D, E and F. Per MPEP §715.07, indications of actual

dates, as well as machine shop vendor specifics, have been omitted in the supplied evidence of reduction to practice accompanying this Declaration.

All statements made herein to our own knowledge are true, and all statements made on information are believed to be true. Further, all statements herein were made with the knowledge that willful false statements and the like are punishable under Section 1001 of Title XVIII of the United States Code, and that such willful false statements may jeopardize the validity of any patent which may issue from the present application.

Date: 4/16/03


Aaron Markworth

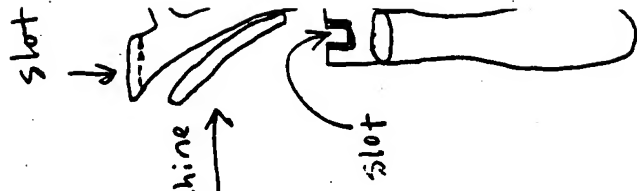
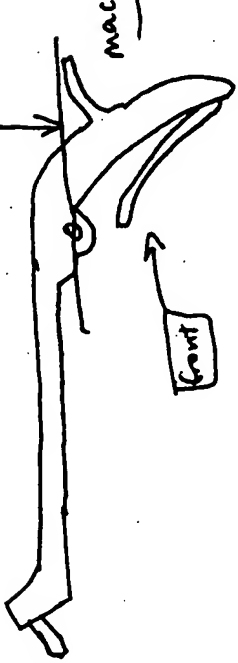
Date: 16 April 03


Yves Crozet

Pistol Grip Persuader body Assembly instructions

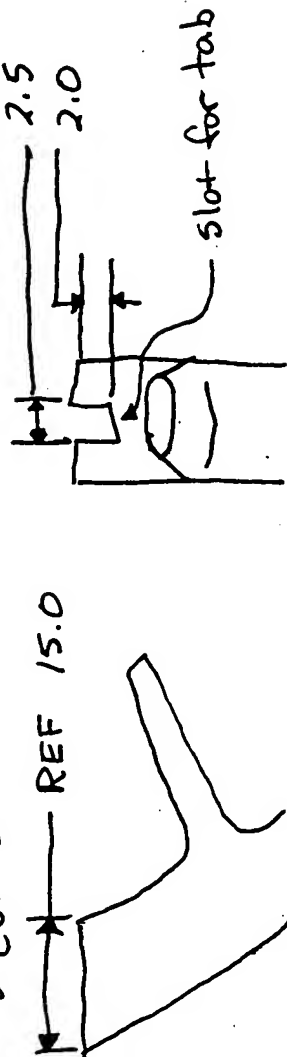
* weld pistol grip body top to provided handle

new top: old handle:

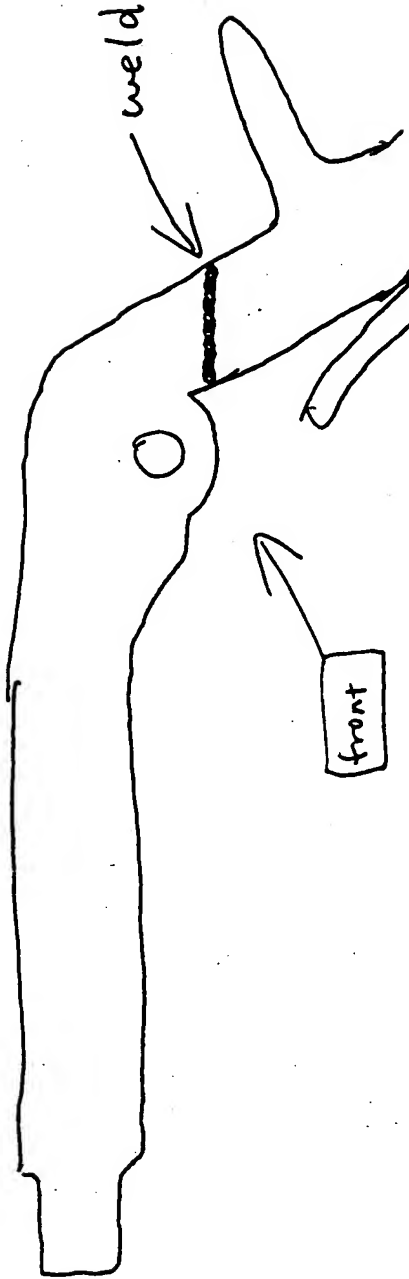


1- prepare handle

- cut flat at top parallel to current top near where the view to the right shows
- cut slot for the tab of the top piece



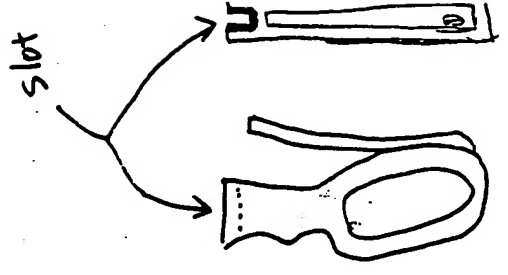
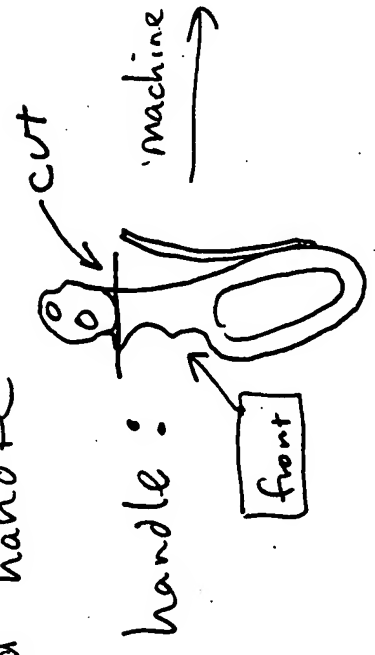
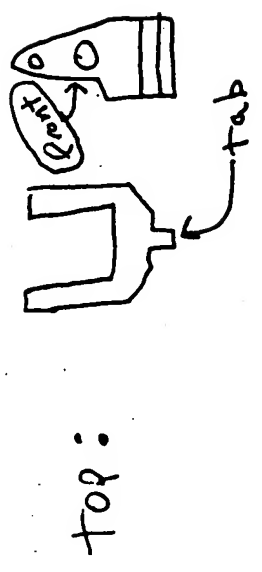
2- weld new top to provided old handle



Assembly

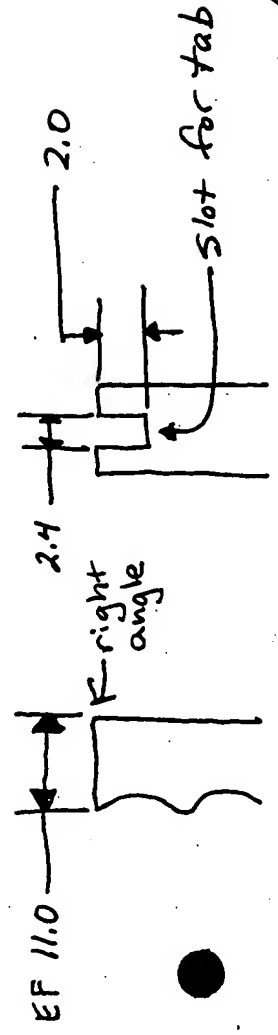
Pistol Grip Persuader Trigger Assembly Instructions

* weld pistol grip top to provided handle

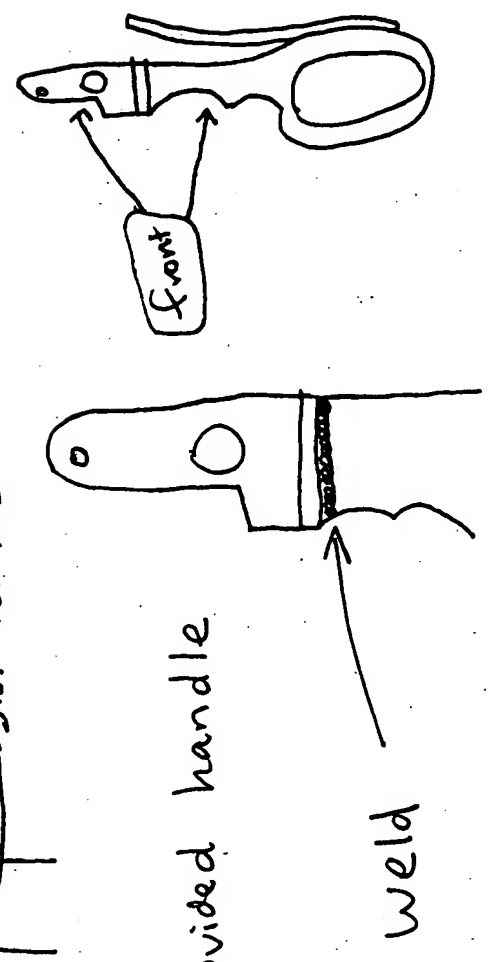


1- prepare handle

- cut flat at top perpendicular to flat on back of handle
- cut slot for tab of top piece



2- weld top to provided handle



Am M. M. M.

PACKING LIST

TEL:
FAX:

11119

PACKING LIST
NO.

DATE 6/27/01

Experimental & Production Manufacturing

SOLD TO HUMMICA / OSTEONICS
59 Route 17 S.
Allendale, NJ 07401

SHIP TO

SAME AS SOLD TO UNLESS OTHERWISE INDICATED HERE

| | | | | | |
|------------------------------|---------------------------------|------------------------------|-----------------------------------------------|---------------|--------------------------------|
| OUR ORDER NO. <u>7166</u> | YOUR ORDER NO. <u>201900</u> | CARTONS-PKGS. <u>1</u> | TOTAL WEIGHT | PPD. OR COLL. | SHIPPED VIA <u>your plu</u> |
| QUANTITY ORDERED | QUANTITY BACK-ORD'D. | QUANTITY SHIPPED <u>1</u> | DESCRIPTION <u>Pistol Grip PCS Pensman</u> | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

[Handwritten Signature]

☒ ORDER COMPLETE
☐ BALANCE TO FOLLOW

ANY DISCREPANCIES MUST BE REPORTED WITHIN 10 DAYS.

PACKED BY

[Handwritten Signature]

CHECKED BY

[Handwritten Signature]

